

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

UNITED STATES OF AMERICA  
upon the relation and for the use of the  
TENNESSEE VALLEY AUTHORITY,  
Plaintiff,

v.

No. 1:20-cv47-SA-DAS

AN EASEMENT AND RIGHT-OF-WAY  
OVER 1.02 ACRES OF LAND, MORE  
OR LESS, IN OKTIBBEHA COUNTY,  
MISSISSIPPI, and  
ELBERT J. DAY, JR.,  
GARY LYNN DAY,  
BRENDA J. HUNT,  
Defendants.

**DECLARATION OF TAKING**

The Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the property described in the Complaint of similar title filed in this Court, hereby files this Declaration of Taking pursuant to 40 U.S.C. §§ 3114-3118 (2012) and declares that said property is hereby taken for the use of the United States of America acting by and through its agent, the Tennessee Valley Authority, and further declares that:

1. The property interest taken in this action is the easement and right-of-way described in Attachment 1 attached hereto and made a part hereof.
2. Twelve Thousand Five Hundred Dollars (\$12,500) is the amount estimated by the Tennessee Valley Authority to be just and liberal compensation for the easement and right-of-way taken. This amount will be tendered into Court for the use of the persons entitled thereto.
3. A map showing the location of the easement and right-of-way taken is attached as Attachment 2.

4. The authority under which the easement and right-of-way is taken is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831 et seq. The public use for which the easement and right-of-way is the erection, operation, and maintenance of electric power transmission circuits and communication circuits.

5. The Tennessee Valley Authority is of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

TENNESSEE VALLEY AUTHORITY

s/Michael V. Bernier

Michael V. Bernier (MS BAR 103960)

James S. Chase (TN BPR #020578)

TVA GENERAL COUNSEL'S OFFICE

400 West Summit Hill Drive

Knoxville, Tennessee 37902-1401

Telephone 865.632.3045

Facsimile 865.632.2422

Email mvbernier@tva.gov

Attorney for Plaintiff

97442730